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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,423

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Hidekazu Suzuki

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P.O. BOX 980

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EXAMINER

MCNALLY, MICHAEL S

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,423	<b>Applicant(s)</b> SUZUKI, HIDEKAZU	
	<b>Examiner</b> Michael S. McNally	<b>Art Unit</b> 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-16 are presented for examination.
2. The claims and only the claims form the metes and bounds of the invention.  
“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 15 September 2005 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 13 recites the limitation "the MPEG transport stream" in its third line.

There is insufficient antecedent basis for this limitation in the claim, as an MPEG transport stream is not recited in claims 9 or 10, or prior to the referenced recitation in claim 13.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**9. Claims 7-8 and 15-16 rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application Publication No. EP0930556 by *Komuro et al.***

As to **claim 7**, *Komuro* discloses a revocation information reception method comprising the steps of:

receiving an integrated revocation information list by a contents transmitting equipment or a contents receiving equipment (*Komuro*: Fig 11; Page 11, Sec 89-90);  
and

storing the integrated revocation list by the contents transmitting equipment or the contents receiving equipment (*Komuro*: Fig 11; Page 11, Sec 89-90).

As to **claim 8**, *Komuro* further discloses further comprising the steps of:

collating the integrated revocation list with key information read out of the contents receiving equipment (*Komuro*: Fig 11; Page 11-12, Sec 92-93); and

preventing picture or voice from being outputted from the contents receiving equipment because of authentication failure in case the key information is included in the revocation list (*Komuro*: Fig 11; Page 11-12, Sec 92-93).

As to **claim 15**, *Komuro* discloses a revocation information receiving apparatus comprising:

a contents transmitting equipment or a contents receiving equipment which receives an integrated revocation list (*Komuro*: Fig 11; Page 11, Sec 89-90), wherein the contents transmitting equipment or the contents receiving equipment stores the integrated revocation list (*Komuro*: Fig 11; Page 11, Sec 89-90).

As to **claim 16**, *Komuro* further discloses further comprising:

a means for collating key information read out of the integrated revocation list and the contents receiving equipment (*Komuro*: Fig 11; Page 11-12, Sec 92-93), and an output control means for preventing picture or voice from being outputted from the contents receiving equipment because of authentication failure in case the key information is included in the revocation list (*Komuro*: Fig 11; Page 11-12, Sec 92-93).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**12. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Publication No. EP0930556 by *Komuro et al.* in view of Industrial Standard 13818-1, "Information technology – Generic coding of moving pictures and associated audio information: Systems" by ISO/IEC.**

As to **claim 1**, *Komuro* discloses a revocation information transmission method comprising the steps of:

executing mutual authentication between a contents transmitting equipment and a contents receiving equipment (*Komuro*: Fig 11; Page 11, Sec 88-90);

uploading revocation information including key information of mutual authentication failure from the contents transmitting equipment or the contents receiving equipment in case of mutual authentication failure (*Komuro*: Fig 11; Page 11, Sec 88-90);

preparing integrated revocation information by integrating the revocation information individually uploaded (*Komuro*: Fig 11; Page 11, Sec 88-90); and

transmitting the stream, wherein the revocation information transmission method is used in a system comprising a contents transmitting equipment for transmitting contents, a contents receiving equipment for receiving contents, and a connecting means for connecting the contents transmitting equipment to the contents receiving equipment (*Komuro*: Fig 11; Page 11, Sec 88-90).

*IEC* does not expressly disclose packetizing the integrated revocation information and multiplexing it into a stream.

*IEC* discloses packetizing the integrated information and multiplexing it into a stream (*IEC*: Fig Intro 1; Page X-XI)

*Komuro* and *IEC* are analogous art because they are from the common area of data transmission and protection.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use a standard method to packetize and stream data. The rationale would have been to allow for interoperability.

As to **claim 2**, the modified *Komura/IEC* reference discloses a revocation information transmission method comprising the steps of:

integrating revocation information of one or multiple contents transmitting equipments or content receiving equipments to prepare integrated revocation information (*Komuro*: Fig 11; Page 11, Sec 89-90);

packetizing the integrated revocation information and multiplexing it into a stream (*IEC*: Fig Intro 1; Page X-XI); and

transmitting the stream (*Komuro*: Fig 11; Page 11, Sec 89-90).

As to **claim 3**, the modified *Komura/IEC* reference further discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a data structure of section of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 4**, the modified *Komura/IEC* reference discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a data structure of PES packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 5**, the modified *Komura/IEC* reference discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a payload of transport packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 9**, the modified *Komura/IEC* reference discloses a revocation information transmitting apparatus comprising:

a plurality of contents transmitting equipments for transmitting contents (*Komuro*: Fig 11; Page 11, Sec 88-90);

a plurality of contents receiving equipments for receiving contents, which are respectively connected to the plurality of contents transmitting equipments (*Komuro*: Fig 11; Page 11, Sec 88-90);

a connecting means for connecting the contents transmitting equipment to the contents receiving equipment (*Komuro*: Fig 11; Page 11, Sec 88-90);



a network for sucking up revocation information from the plurality of contents transmitting equipments or the plurality of contents receiving equipments (*Komuro*: Fig 11; Page 11, Sec 88-90);

an integrating means for integrating the revocation information, which is connected to the network (*Komuro*: Fig 11; Page 11, Sec 88-90);

a multiplexing means for packetizing the integrated revocation information integrated by the integrating means and multiplexing it into a stream *IEC*: Fig Intro 1; Page X-XI); and

a transmitting means for transmitting the stream (*Komuro*: Fig 11; Page 11, Sec 88-90).

As to **claim 9**, the modified *Komura/IEC* reference discloses a revocation information transmitting apparatus comprising:

an integrating means for integrating revocation information of one or multiple contents transmitting equipments or contents receiving equipments (*Komuro*: Fig 11; Page 11, Sec 89-90);

a multiplexing means for packetizing the integrated revocation information and multiplexing it into a stream (*IEC*: Fig Intro 1; Page X-XI); and

a transmitting means for transmitting the stream (*Komuro*: Fig 11; Page 11, Sec 89-90).

As to **claim 11**, the modified *Komura/IEC* reference discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted

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by using a data structure of section of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 12**, the modified *Komura/IEC* reference discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a data structure of PES packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 13**, the modified *Komura/IEC* reference discloses wherein the integrated revocation information is transmitted by using a payload of transport packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

**13. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Publication No. EP0930556 by *Komuro et al.* in view of Industrial Standard 13818-1, "Information technology – Generic coding of moving pictures and associated audio information: Systems" by *ISO/IEC* further in view of U.S. Patent No. 5,692,124 by *Holden et al.***

As to claims 6 and 14, the modified *Komuro/IEC* reference discloses all recited elements of claims 1, 2 9 and 10 from which claims 6 and 14 depend.

The modified reference does not expressly disclose wherein the integrated revocation information is transmitted by using an IP packet.

*Holden* discloses wherein the integrated revocation information is transmitted by using an IP packet (*Holden*: Col 18, Lines 30-38).

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The modified reference and *Holden* are analogous art because they are from the common area of data transmission and protection.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to transmit revocation data in an IP packet. The rationale would have been to allow for transfer over a TCP/IP network.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. McNally whose telephone number is (571)270-1599. The examiner can normally be reached on Monday through Friday 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2436

/M. S. M./  
Examiner, Art Unit 2436  
27 April 2009